

U.S. Patent Application Serial No. 10/549,546  
Reply to Office Action dated February 13, 2007

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### REMARKS

Applicants have read and considered the Office Action dated February 13, 2007. By way of response, Applicant presents the remarks below including selection of a group of claims and election of species. No new matter is presented. Claims 1-9 are currently pending and are supported by the specification. For the reasons given below, Applicant submits that the pending claims are in condition for allowance and notification to that effect is earnestly solicited.

#### Restriction Requirement

Without acquiescing to the statements made in the Restriction Requirement, Applicants elect with traverse the claims of Group II (claims 1-3 and 7, i.e. the compound or composition of Formula I, wherein p is 2, X is N and Y is  $-\text{CH}_2\text{CH}_2\text{OCH}_2-$ ) for prosecution in the present application. Applicants traverse the Restriction Requirement, because it would not be unduly burdensome for the Patent Office to search and examine all the claims. For example, the compounds of Groups I-III all have the same general formula and would therefore fit within a single inventive concept, as required by PCT Rule 13.1. Withdrawal of the restriction requirement and examination on the merits are respectfully requested.

#### Species Election Requirement

Applicants elected to prosecute the claims of Group II with traverse. Within this group, the Office Action requires restriction of the pending claims to a single disclosed species of building block. Applicants respectfully traverse this requirement. The inventive concept herein is not dependent on the use of a particular structure or species of the compound of Formula I. Rather, the inventive concept is a compound with the core structure of the compound of Formula I.

If the species election requirement is maintained, Applicants respectfully request search and examination of the species of compound of Formula I, wherein A represents a single bond and B represents a nitrogen-containing heterocycle substituted with one or two C1-C4 alkyl

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groups. An example of the elected species would include a compound of Formula I wherein B is a 1-methyl-4-piperidinyl group.

### SUMMARY

Applicants submit that the claims of the present application are in condition for allowance and notification to that effect is earnestly solicited. A speedy and favorable action on the merits is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.



Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: 6/13/07

By: 

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